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Attorneys For Defendant  
GOOGLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,  
  
Plaintiff,

v.

GOOGLE INC.,  
  
Defendant.

Case No. CV 10-03561 WHA

**JOINT FILING REGARDING AGREED  
STATEMENTS OF ESTABLISHED  
FACTS (ECF NO. 1760, 1761)**

Dept. Courtroom 8, 19th Floor  
Judge: Hon. William Alsup

1 In its April 29 Final Pretrial Order, ECF No. 1760, the Court ordered the parties to meet  
2 and confer, with the assistance of Magistrate Judge Kim, regarding an agreed-on statement of  
3 established facts in accordance with the Court's Order. The Court confirmed the reference to  
4 Magistrate Judge Kim in ECF No. 1761.

5 The parties met and conferred with Judge Kim starting at 5:00 p.m. on Tuesday, May 3,  
6 2016, and agreed to the following established facts:

- 7 1. Oracle is the owner of the copyrights in Java 2 SE version 1.4 and Java 2 SE  
8 version 5.0.
- 9 2. The Java programming language is open and free for anyone to use.
- 10 3. The declaring code and the structure, sequence, and organization of the API  
11 packages are creative and original enough to qualify for copyright protection. You will consider  
12 the degree of creativity beyond that, if any, as part of your consideration of the fair use factors.
- 13 4. Sun/Oracle could have written and organized the declaring code for the 37 Java  
14 API packages in any number of ways and still have achieved the same functions.

15 Dated: May 7, 2016

ORRICK, HERRINGTON &  
SUTCLIFFE LLP

17  
18 By: /s/ Vickie Feeman

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Attorneys for Plaintiff  
ORACLE AMERICA, INC.

23 Dated: May 7, 2016

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25 By: /s/ Bruce W. Baber

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**ATTESTATION OF CONCURRENCE**

I, Bruce W. Baber, the ECF user whose ID and password are being used to file this Joint Statement Regarding Agreed Revisions To Modified Proposed Jury Instructions On Fair Use (ECF No. 1688), hereby attest that Vickie Feeman, one of the attorneys for plaintiff Oracle America, Inc., concurs in this filing.

Dated: May 7, 2016

By: /s/ Bruce W. Baber  
BRUCE W. BABER